

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ACCEPTANCE INSURANCE COMPANY,)
ET AL.,)
Plaintiffs,)
v.)
POWE TIMBER COMPANY, INC., ET AL.)
Defendants.)
CIVIL ACTION NO.: 4:04CV133LN

JUDGMENT

This cause came before the Court, Honorable Tom S. Lee, United States District Judge, on separate motions for summary judgment filed by plaintiffs United States Fidelity and Guaranty Company, Fidelity and Guaranty Underwriters, Inc., Georgia Casualty Company, and Acceptance Insurance Company (collectively “Plaintiffs”). Defendants American Wood, Powe Timber Company, Inc., William A. Powe Trust, William A. Powe, Trustee, and William A. Powe, Jr. (collectively “Defendants”) responded in opposition to the motions. The Court, having considered the parties’ memoranda of authorities, together with attachments, GRANTED each of the Plaintiffs’ motions.

The issues having been duly considered and a decision having been duly rendered, and in conformity with the Court's November 30, 2005 Memorandum Opinion and Order and Rule 58 of the Federal Rules of Civil Procedure, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Plaintiffs' motions for summary judgment are GRANTED;
2. Plaintiffs shall not have any defense, indemnity , or other coverage obligations to Defendants in connection with the underlying wood chip claims against Defendants; and
3. Plaintiffs United States Fidelity and Guaranty Company and Fidelity and Guaranty Underwriters, Inc. may withdraw, in accordance with applicable Mississippi law, from the defense of Defendants in connection with the underlying wood chip claims.

Dated: 12/22/05

/s/ Tom S. Lee
HONORABLE TOM S. LEE
U.S. DISTRICT COURT JUDGE